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APR 11 2007

U.S.S.N. 10/791,607

Remarks

Thorough examination and careful review of the application by the Examiner is noted and appreciated.

The gracious allowance of Claim 40 by the Examiner is further noted and appreciated.

The indication by the Examiner that Claims 23, 26-33, 35, and 38-39 are objected to as being dependent upon a rejected based claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and intervening claims is further acknowledged and appreciated.

**Objections to the Claims**

Claims 38 and 39 are objected to as being improper dependent form.

Claims 38 and 39 have been cancelled and withdrawn from further consideration by the Examiner.

**Claim Rejections Under 35 USC § 112**

Claims 24, 38 and 39 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point

U.S.S.N. 10/791,607

out and distinctly claim the subject matter which Applicant regards as the invention.

Independent Claim 22, which Claim 24 depends therefrom, has been amended to further recite "the phase changing material". Claim 24 therefore does not have lack of antecedent basis problem.

Claims 38 and 39 have been cancelled and withdrawn from further consideration.

#### **Claim Rejections Under 35 USC § 102**

Claims 22, 24-25, 34 and 36 are rejected under 35 USC § 102(b) as being anticipated by Moore '301.

Independent Claim 22 has been amended to further recite the limitations of:

"a spacer comprising a phase changing material sensitive to temperature..."

which was contained in dependent Claim 23, now cancelled.

U.S.S.N. 10/791,607

The newly amended independent Claim 22 is therefore equivalent to Claim 23 being rewritten to include all the limitations of the base Claim 22 which the Examiner has indicated would be allowable. A reconsideration for allowance of Claim 22 and its dependent Claims 24-25, 34 and 35 under 35 USC § 102(b) is therefore respectfully requested of the Examiner.

**Claim Rejections Under 35 USC § 103**

Claim 37 is rejected under 35 USC § 103(a) as being unpatentable over Moore in view of Laiw '547.

The rejection of Claim 37 under 35 USC § 103(a) is respectfully traversed. Claim 37 dependent on Claim 34 which in turn depends on the newly amended independent Claim 22 which the Applicants have shown is now patentable. A reconsideration for allowance of Claim 37 is therefore respectfully requested of the Examiner.

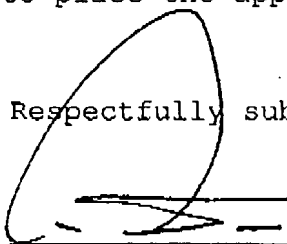
Based on the foregoing, the Applicants respectfully submit that all the pending Claims, i.e. Claims 22, 24-37 are now in condition for allowance. Such favorable action by the Examiner, together with the passage to issuance of the allowed Claim 40 is

U.S.S.N. 10/791,607

respectfully solicited from the Examiner.

In the event that the present invention as claimed is not in condition for allowance for any reason, the Examiner is respectfully invited to call the Applicants' representative at his Bloomfield Hills, Michigan office at (248) 540-4040 such that necessary action may be taken to place the application in a condition for allowance.

Respectfully submitted,



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